

Notice of Allowability

Application No.

09/943,563

Applicant(s)

BARTUREN ET AL.

Examiner

JAMES RUTTEN

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/24/09 BPAI Decision.
2. ☒ The allowed claim(s) is/are 7, 12-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>3/7/08</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

/J. Derek Rutten/
Primary Examiner, Art Unit 2192

DETAILED ACTION

1. This action is in response to the 9/24/09 Board of Patent Appeals and Interferences decision which detailed the affirmation of the rejections of claims 1, 2, 4-6, 8, and 10 under 35 U.S.C. § 102(e), the affirmation of the rejections of claims 3, 9, and 11 under 35 U.S.C. § 103(a), the reversal of the rejections of claims 7, 12-15, and 17 under 35 U.S.C. § 102(e), and the reversal of the rejection of claim 16 under 35 U.S.C. § 103(a).

Decision on Appeal

2. It is noted that the Board of Patent Appeals and Interferences Decision on Appeal provides the rationale for the reversal of the rejection of claim 7 in Section 1(C) on pages 12-13, mailed 9/24/09. However, the Conclusion section on page 17 indicates that the rejection of claim 7 is affirmed, not reversed. In view of the detailed rationale provided in section 1(C), the rejection of claim 7 is understood to be reversed.

3. The Board of Patent Appeals and Interferences affirmed the rejection(s) against independent claim 1, but reversed all rejections against claim 7 dependent thereon. There are no allowed claims in the application. Independent claim 1 is cancelled by the examiner in accordance with MPEP § 1214.06. Claims 2-6 and 8-11 are also canceled accordingly. Furthermore, claim 7 is amended and provided in independent form as indicated below.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Brian Russell, Reg. No. 40,796, on 1/19/10. During the interview, it was agreed that amending claim 7 to include the features of claims 1, 5, and 6 would provide patentable subject matter in accordance with the BPAI Decision on Appeal in section 1(C) on pages 12-13 (mailed 9/24/09), while providing proper antecedent basis for all claimed limitations.

The application has been amended as follows:

In the Claims:

Please cancel claims 1-6 and 8-11 and amend claim 7 as follows:

Claims 1-6. (Canceled)

Claim 7. (Currently Amended) An integrated data processing system for managing a process of delivery of software products to target software product execution units in a network environment, comprising:

a central repository for storing software components of at least one software product;

a first sub-system for identifying within the central repository software components of a software product to be delivered;

a second sub-system for creating at least one software product package from the identified software components identified by the first sub-system;

a third sub-system for distributing the at least one software product package created by the second sub-system to the target software product execution units;

a fourth sub-system for performing a building process of software code components among the identified software components of the software product to be delivered, the fourth sub-system storing a result of the building process in the central repository;

a fifth sub-system for managing a process of applying changes to the at least one software product distributed by the third sub-system; and

Art Unit: 2192

~~The integrated data processing system according to claim 1, further comprising a sixth~~
sub-system for recording information provided by at least one of the first through fifth sub-
systems of the integrated data processing system during delivery of the software product.

Claims 8-11. (Canceled)

Art Unit: 2192

Allowable Subject Matter

5. Claims 7 and 12-17 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES RUTTEN whose telephone number is (571)272-3703. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Derek Rutten/
Primary Examiner, Art Unit 2192